

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 4 are pending in this case. Claims 1 and 4 are amended; and Claims 2-3 and 5-6 are canceled by the present amendment. Support for amended Claims 1 and 4 can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Official Action, Claims 1-6 were rejected under 35 U.S.C. § 102(e) as anticipated by Widegren et al. (U.S. Patent No. 6,374,112, hereinafter “Widegren”).

In response to the rejection based on Widegren, Applicants respectfully submit that amended independent Claims 1 and 3 state novel features clearly not taught or rendered obvious by the applied reference.

Independent Claim 1 relates to a wireless channel setting method in a mobile communication system in which the common channel and an individual channel can be switched and each be used as a wireless channel between a mobile station in a wireless base station. A transmission signal is received at the wireless base station from a specific mobile station through the common channel. Then, a transmission power value, a communication quality level, and a utilization ratio of the common channel are each sequentially compared with a respective predetermined threshold value corresponding to each parameter.

When each of the sequentially evaluated parameters are lower than their respective predetermined threshold value, the wireless base station continues the signal transmission/reception through the common channel with the mobile station. However, when any of the above-noted parameters exceed their respective predetermined threshold value, the wireless base station sets an individual channel and continues signal transmission/reception through the individual channel with the specific mobile station.

¹ E.g., specification, Fig. 3.

As depicted in exemplary, non-limiting embodiment in Fig. 3, the mobile station transmits a request (S1) to the wireless base station and the base station then sequentially determines whether the transmission power (S2), transmission quality (S3), and channel utilization (S4) are equal to or smaller than a predetermined threshold value corresponding to each parameter. When any parameter exceeds its respective predetermined threshold value the process is ended and an individual channel is set for the communications between the mobile station and the wireless base station (S6). However, if each parameter is below the predetermined threshold value the mobile station continues to use the common channel when communicating with the wireless base station (S5).

Turning to the applied reference, Widegren describes a flexible radio access and resource allocation system for universal mobile telephone system. In addressing the features of the present invention, the outstanding Official Action cites col. 3, line 59 – col. 4, line 16 and col. 15, line 58 – col. 16, line 29, of Widegren. This cited portion of Widegren describes that the channel type selection may depend on audio service parameters, type of communication requested, or traffic parameters such as interference level and the geographic location in which the mobile ratio is currently operating. For example, if the interference level is high, a dedicated ratio channel may be selected, however, when the interference level is low the shared radio channel may be selected.

However, Widegren fails to reach or suggest the process of sequentially comparing a transmission power value, a communication quality level, and a utilization ratio each to respective corresponding predetermined threshold value to determine whether an individual or common channel should be selected.

Specifically, amended independent Claim 1 recites, *inter alia*, a wireless channel setting method, comprising:

... ***sequentially comparing***, to a respective corresponding predetermined threshold value, a transmission

power value... a communication quality level... and a utilization ratio...

when the transmission power value, the communication quality level and utilization ratio are lower than the respective predetermined threshold value, the wireless base station continues the signal transmission/reception, through the common channel, with the specific mobile station; and

when any of the transmission power value the communication quality level, and utilization ratio exceed the relative predetermined threshold value, the wireless base station sets an individual channel and continues signal transmission/reception, through the individual channel, with the specific mobile station.

Independent Claim 3 recites substantially similar features, but is directed to an alternative embodiment.

As discussed above, Widegren describes that a dedicated in common channel may be selected based on the combination of a variety of parameters (*see*, Fig. 9), but does not describe that such parameters are not sequentially compared to corresponding threshold values. As discussed above, amended independent Claim 1 recites that a transmission power value, a utilization ratio, and a communication quality level are *sequentially compared to a predetermined corresponding threshold value* when determining which type of channel, individual or common, should be used for communication from the mobile station to the wireless base station. As described at col. 11, line 52-col. 12, line 63, Widegren describes only that various parameters may be taken into account when determining which channel to select, but fails to describe that the parameters are sequentially compared to a threshold value, as recited in pending independent Claims 1 and 4.

Further, Widegren fails to teach or suggest that each of the above noted parameters are compared to a predetermined threshold value whatsoever, much less that such parameters are sequentially compared to a predetermined threshold value.

Therefore, Widegren fails to teach or suggest “*sequentially comparing, to a respective predetermined threshold value, a transmission power value..., a communication*

Application No. 10/600,329
Reply to Office Action of November 17, 2005

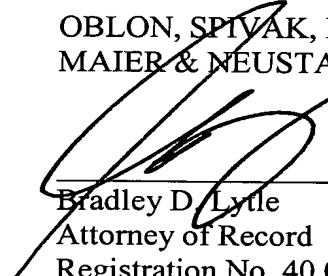
quality level..., and a utilization ratio...”, and switching between a common and individual communication channel in response to this comparison, as recited in pending independent Claims 1 and 4.

Accordingly, Applicants respectfully submit that amended independent Claims 1 and 4 patentably define over the applied references, and request that the rejection of these claims under 35 U.S.C. §102(e) be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1 and 4 is patentably distinguishing over the applied reference. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Andrew T. Harry
Registration No. 56,959

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

BDL/ATH/kkn

I:\ATTY\ATH\PROSECUTION\23's\239407US\239407.AM DUE FEB. 17..DOC